

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
§
v. §
Real Property located at 4801 Aberdeen §
Parkway, Amarillo, Texas; § NO. 2:11-CV-214-J
§
2003 BMW X5, VIN 5UXFA53593LV90017; §
§
and 2006 Pontiac GT Sedan, §
VIN 1G2ZH558364337961, §
Defendants In Rem. §

DECLARATION AND PROOF OF CLAIM OF FIRSTBANK SOUTHWEST

FirstBank Southwest makes the following proof of claim and declaration under penalty of perjury:

1. FirstBank Southwest (“FBSW”) is a Texas banking association doing business in Amarillo, Texas.

2. On or about May 15, 2005, FBSW made a loan to Tommy Lee Buckley and Phyllis Marie Buckley (“the Loan”). This loan was secured by a deed of trust on property located at 4801 Aberdeen Parkway, Amarillo, Texas (“the Deed of Trust”), described as follows:

Lot No. 1, Block No. 5, Colonies Unit No. 5, an addition to the city of Amarillo, Randall County Texas, according to the recorded map or plat thereof, of record under clerk’s file #625729, of the Official Public Records of Randall County, Texas (the “Property”).

3. Prior to initiation of the instant civil forfeiture action, the Loan went into default and FBSW received authorization from the 251st District Court in Randall County, Texas, to proceed with foreclosure of the Deed of Trust on the Property.

4. The foreclosure sale occurred on October 4, 2011, and FBSW was the highest and only bidder. Accordingly, a Substitute Trustee Deed of Sale was issued to FBSW, and FBSW is now the lawful owner of the Property.

5. FBSW used its own funds to make the Loan, and these funds were good funds derived from good and proper activities and not from any improper source or activity. At the time it made the Loan, FBSW had no knowledge of any wrongdoing of the borrowers or that the property was or might be subject to a forfeiture action.

6. FBSW is an innocent owner of the Property free and clear of all claims and encumbrances recorded after the filing of the Deed of Trust.

7. Alternatively, FBSW claims an interest in the Property equal to its investment in the Property, plus costs and fees incurred in connection with the property, plus any additional expenses incurred in maintaining the Property until the resolution of this matter.

Respectfully submitted,

MULLIN HOARD & BROWN, LLP

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By: /s/ Clint R. Latham

Clint R. Latham,
Attorneys for FirstBank Southwest

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document was this 14th day of October 2011 served electronically on all appropriate parties through the court's CM/ECF filing system. In addition, on this day the following parties will be served by U.S. first class mail, postage prepaid:

John De La Garza III
Assistant United States Attorney
1100 Commerce, Third Floor
Dallas, Texas 75242

/s/ Alysia Córdova
Alysia Córdova